

Notice of Allowability

Application No.

10/764,884

Examiner

Susan S. Lee

Applicant(s)

ASAI ET AL.

Art Unit

2852

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendment filed 3/31/05.
2. ☒ The allowed claim(s) is/are 1,3-8,12-18,22,24-26 and 28-46.
3. ☒ The drawings filed on 26 January 2004 are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☒ Certified copies of the priority documents have been received in Application No. 09/859,900.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

The application has been amended as follows:

As to claim 35, line 3, after "of", change "contain units" to - - feeders - - because there is no previous recitation of a plurality of contain units, rather a plurality of feeders.

As to claim 36, lines 5-6, change "the second date" to - - the second data - - because there is no previous recitation of a second date, rather a second data.

The following is an examiner's statement of reasons for allowance:

The primary reason for allowance of claims 1 and 3-8 is the inclusion of a controller that inhibits a selector from selecting another feeder that contains sheets of sheet size different from a sheet size of sheets of the selected feeder, after selecting the one feeder, in both a first case where the another feeder contains sheets of a sheet type different from a sheet type of sheets of the selected feeder based on at least the priorities stored in the memory unit, and a second case where the another feeder contains sheets of a same sheet type as the sheet type of the sheets of the selected feeder based on at least the sheet types stored in the memory unit. This is found in all of claims 1 and 3-8 but not disclosed nor suggested by the prior art of record.

The primary reason for allowance of claims 12-18 and 22 is the inclusion of a method of controlling an image forming apparatus or a control program with a step or a code for inhibiting a selection from another feeder that contains sheets of sheet size different from a sheet size of sheets of the selected feeder, after selecting the one feeder, in both a first case where the another feeder contains sheets of a sheet type different from a sheet type of sheets of the selected feeder based on at least the priorities stored in the memory unit, and a second case where the another feeder contains sheets of a same sheet type as the sheet type of the sheets of the selected feeder based on at least the sheet types stored in the memory unit. This is found in all of claims 12-18 and 22, but not disclosed nor suggested by the prior art of record.

The primary reason for allowance of claim 24 is the inclusion of controller that controls a feeder selecting operation of a selector and the controller that is operable, when the predetermined setting is performed by the setting unit to permit the selector to select another feeder that contains sheets of a different type from a sheet type of the sheets of the selected feeder when the selected feeder has run short of sheets during an image forming operation and there is no other feeder that contains sheets of the same type as the sheet type of the sheets of the selected feeder. The selector selects another feeder that contains sheets of a same type as a sheet type of sheets of the selected feeder, based on the data related to sheet types other than sheet sizes stored in the memory unit, when the selected feeder has run short of sheets during an image forming operation. This is found in all of claim 24, but not disclosed nor suggested by the prior art of record.

Art Unit: 2852

The primary reason for allowance of claim 25 is the inclusion of a controller that inhibits a selector from selecting another feeder that contains sheets of a sheet size different from a sheet size of sheets of the selected feeder, after selecting the one feeder, in both a first case where the another feeder contains sheets of a sheet type different from a sheet type of sheets of the selected feeder based on at least the first data, and a second case where the another feeder contains sheets of a same sheet type as the sheet type of the sheets of the selected feeder based on at least the second data. This is found in all of claim 25, but not disclosed nor suggested by the prior art of record.

The primary reason for allowance of claim 26 is the inclusion of a controller is operable, when the first operation is selected, to inhibit the use of a second storage unit after the first storage unit has been used, when the second storage unit is for storing sheets of a second type but stores sheets of the first size, and operable, when the second operation is selected, to permit use of the second storage unit after the first storage unit has been used, when the second storage unit is for storing the sheets of the second type but stores sheets of the first size. This is found in all of claim 26, but not disclosed nor suggested by the prior art of record.

The primary reason for allowance of claim 28 is the inclusion of a selector that selects a feeder containing the sheets of a first type in a case where the designation is not designated, and wherein the selector selects among the feeder containing the sheets of the first type and the feeder containing sheets of a second type in a case

where the designation is designated. This is found in all of claim 28 but not disclosed nor suggested by the prior art of record.

The primary reason for allowance of claim 29 is the inclusion of controller that permits the use of the second storage unit after the first storage unit has been used, when the second storage unit stores sheets of the first size and the first type, and inhibits use of the second storage unit after the first storage unit has been used, in both a first case where the second storage unit stores sheets of the first size and a second type, and a second case where the second storage unit stores sheets of a second size and the first type. This is found in all of claim 29, but not disclosed nor suggested by the prior art of record.

The primary reason for allowance of claims 30-34 is the inclusion of a selected feeder that runs short of sheets in a case where a designation allowing a change to the feeder that feeds a different type sheet is designated, the selector selects the other feeder that contains sheets of the same size and a sheet type different from the sheet type of sheets that have been fed until then, if there is no feeder that contains sheets of the same size and the same type as the sheet size and the sheet type of sheets that have been fed until then. This is found in all of claim 30-34, but not disclosed nor suggested by the prior art of record.

The primary reason for allowance of claims 35, 39, and 40 is the inclusion of a method of permitting the image forming apparatus to select another feeder that contains sheets of a different type from a sheet type of the sheets of the selected feeder when the selected feeder has run short of sheets during an image forming operation and there

is no other feeder that contains sheets of the same type as the sheet type of the sheets of the selected feeder, when a predetermined setting is permitted. This is found in all of claims 35, 39, and 40, but not disclosed nor suggested by the prior art of record.

The primary reason for allowance of claims 36, 41, and 42 is the inclusion of a method of inhibiting selection of another feeder that contains sheets of a sheet size different from a sheet size of sheets of the selected feeder, after selecting the one feeder, in both a first case where the another feeder contains sheets of sheet type different from a sheet type of sheets of the selected feeder and the selection is based on at least the first data, and a second case where the another feeder contains sheets of a same sheet type as the sheet type of the sheets of the selected feeder and the selection is based on at least the second data. This is found in all of claims 36, 41, and 42, but not disclosed nor suggested by the prior art of record.

The primary reason for allowance of claims 37, 43, and 44 is the inclusion of a method of inhibiting use of the second storage unit after the first storage unit has been used when the second storage unit is for storing sheets of a second type but stores sheets of the first size, when the first operation is selected; and permitting use of the second storage unit after the first storage unit has been used, when the second storage unit is for storing sheets of the second type but stores sheets of the first size, when the second operation is selected. This is found in all of claims 37, 43, and 44, but not disclosed nor suggested by the prior art of record.

The primary reason for allowance of claims 38, 45, and 46 is the inclusion of a methods of permitting use of the second storage unit after the first storage unit has

Art Unit: 2852

been used, when the second storage unit stores sheets of the first size and the first type; and inhibiting use of the second storage unit after the first storage unit has been used, in both a first case where the second storage unit stores sheets of the first size and second type, and a second case where the second storage unit stores sheets of a second size and the first type. This is found in all claims 38, 45, and 46, but not disclosed nor suggested by the prior art of record.


Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Susan S. Lee whose telephone number is 571-272-2137. The examiner can normally be reached on Mon. - Fri., 10:30-8:00, Second Monday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Art Grimley can be reached on 571-272-2136 or 571-272-2800 (Ext. 52). The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2852

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Susan S. Lee
Primary Examiner
Art Unit 2852

sl